THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27607 OF 2005

Dt.27.12.2005

Between:

Veluganti Surya Rao and others.

… Petitioners

And

The District Collector, West Godavari District,

Eluru and 2 others. … Respondents

ORDER:

Heard the learned counsel for the petitioners as well as the learned Government Pleader for Prohibition and Excise.

The petitioners 16 in number residents of Nidadavolu Post and Mandal, West Godavari District, submit that they are tappers by profession and Toddy Tappers Society had floated in the year 1993 and the same was functioning till 1998 and thereafter it became defunct. It is stated that there was no dues at all for the erstwhile society and in fact some deposits of the society are still lying in the bank since 26.11.1994. It is further stated that the petitioners have regrouped for formation of the Toddy Tappers Co-operative Society at Nidadavolu again and accordingly they have made an application before the Excise Superintendent, Eluru – 2nd respondent herein.

Pursuant to the said representation, tapping test was conducted by the 2nd respondent vide proceedings dated 9.2.2005 and the petitioners were requested to submit nativity certificates before 28.10.2005. It is stated that the petitioners filed nativity certificates to the 2nd respondent in the month of October, 2005 itself along with photographs. It is further stated that 3rd respondent is now trying to get the society registered with the help of some outsiders by influencing the excise officials. It is also their further case that the 3rd respondent is not a native of the locality and he does not belong toddy tappers community and therefore, the 2nd respondent may be directed to consider their application.

The material on record goes to show that the dispute is with regard to the genuineness of the members of the proposed society and also with regard to the registering of the society in their favour. The issue involved is within the domain of the excise officials. In this view of the matter and in view of the fact that the petitioners as well as the group of the 3rd respondent have submitted their applications for registration of the society, I deem it appropriate to direct the 2nd respondent to consider the issue as per the procedure contemplated in accordance with the provisions of the A.P.Excise Act and A.P.Co-operative Societies Act.

Accordingly, the 2nd respondent is directed to conduct an enquiry as to the genuineness of the tappers residing in the area of operation of Nidadavolu village with reference to the applications submitted by the respective groups and then, consider the relevant application for registration of the society after considering the objections, if any made by the respective groups, in accordance with the provisions of the Acts and the excise policy, as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

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(V.ESWARAIAH, J.)

27.12.2005

Note: Issue copy within three days

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